

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**THE PUBLIC INTEREST LEGAL  
FOUNDATION,**

**Plaintiff,**

**V.**

**LEIGH M. CHAPMAN, Acting  
Secretary of the Commonwealth of  
Pennsylvania, and JONATHAN M.  
MARKS, Deputy Secretary for  
Elections and Commissions,**

## Defendants.

[illegible]

**NO. 1:19-CV-622**

## JUDGE CONNER

**ELECTRONICALLY FILED**

## MOTION FOR EXTENSION OF BRIEFING DEADLINES

Defendants Leigh M. Chapman, Acting Secretary of the Commonwealth of Pennsylvania, and Jonathan M. Marks, Deputy Secretary for Elections and Commissions, by and through their undersigned counsel, hereby move for an extension of the briefing deadlines on pending motions set by the Order of Court dated October 7, 2022 (ECF 116) and, in support thereof, aver as follows:

1. Following a good faith but unsuccessful mediation process, on joint motion of the parties, the Court entered an Order on October 7, 2022 resetting the briefing deadlines on the various pending and/or anticipated motions which had been stayed to allow for mediation.

2. The revised briefing deadlines incorporated into the October 7, 2022 Order were proposed jointly by the parties based upon Defendants' commitment to supplement its production of information to Plaintiff informed by both the mediation process and the Court's Memorandum and Order dated March 31, 2022 (ECF 83, 84).

3. Due to preparations for the upcoming election and other emergency election matters, including expedited litigation relating to the election, Defendants need additional time to assemble and produce the supplemental information in advance of the new briefing deadlines.

4. Among other things, information technology specialists at the Department of State who support and assist counsel with the identification and collection of information have conflicting responsibilities preparing voting systems and processes for the fast-approaching general election.

5. Further, given the privacy and personal interests of individual registrants implicated by the supplemental production, it is critically important to devote appropriate care and resources to prepare the supplemental production.

6. In light of the need for additional time to make the supplemental production, and in order to allow for Plaintiff's review of the information prior to the additional briefing, Defendants hereby request an enlargement of the briefing deadlines in the October 7, 2022 Order as follows:

- **November 18, 2022** – Deadline for Defendants to file reply brief in support of Defendants’ Motion for Clarification and Partial Reconsideration (ECF 88).
- **November 18, 2022** – Deadline for Plaintiff to file brief in opposition to Defendants’ Motion To Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) (ECF 91).
- **December 6, 2022** – Deadline for Defendants to file reply brief in support of Defendants’ Motion To Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) (ECF 91).
- **December 16, 2022** – Deadline to file motions for attorneys’ fees, costs and expenses pursuant to 52 U.S.C. § 20510(c) (ECF 87).
- **January 16, 2023** – Deadline to file opposition briefs in response to motions for attorneys’ fees, costs and expenses pursuant to 52 U.S.C. § 20510(c) (ECF 87).
- **February 10, 2023** – Deadline to file reply briefs in support of motions for attorneys’ fees, costs and expenses pursuant to 52 U.S.C. § 20510(c) (ECF 87).

7. Granting this request will serve the interests of justice by allowing Defendants sufficient time to assemble, review and produce supplemental materials prior to the parties expending time and resources addressing issues that may be impacted and narrowed by the supplemental production.

WHEREFORE, Defendants respectfully request that the Court enter an Order extending the briefing schedule in this matter to allow for the supplemental production of information prior to the deadline to submit additional briefs.

Respectfully submitted,

/s/ Donna A. Walsh

Daniel T. Brier

Donna A. Walsh

Suzanne P. Conaboy

Counsel for Defendants,

Acting Secretary of the Commonwealth

Leigh M. Chapman and Deputy Secretary  
for Elections and Commissions Jonathan M.  
Marks

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Dated: October 20, 2022

**CERTIFICATE OF NON-CONCURRENCE**

I hereby certify that I sought the concurrence of counsel for Plaintiff, Linda A. Kerns, Esquire, in this motion. Ms. Kerns does not concur in this motion.

/s/ Donna A. Walsh  
Donna A. Walsh

Date: October 20, 2022

**CERTIFICATE OF SERVICE**

I, Donna A. Walsh, hereby certify that a true and correct copy of the foregoing Motion for Extension of Briefing Deadlines was served upon the following counsel of record via the Court's ECF system on this 20th day of October 2022:

Kaylan Phillips, Esquire  
Noel H. Johnson, Esquire  
Public Interest Legal Foundation  
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Linda A. Kerns, Esquire  
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/s/ Donna A. Walsh  
Donna A. Walsh